

shipment by said defendant in violation of the Food and Drugs Act, on or about September 30 and October 14, 1931, from the State of California into the State of Utah, and on or about March 18, April 18, and May 16, 1932, from the State of California into the State of Colorado, of quantities of walnut meats which were adulterated.

It was alleged in the information filed August 17, 1932, that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged in the second information for the reason that the article consisted in part of filthy and decomposed vegetable and animal substances.

On November 7, 1932, the defendant entered a plea of guilty to each information and the court imposed fines amounting in the aggregate to \$250. The United States attorney having recommended leniency, the fines were ordered suspended, the suspension to continue to the close of the February 1933 term of court.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20278. Misbranding of cottonseed cake. U.S. v. El Paso Refining Co., Inc. Plea of guilty. Fine, \$150. (F. & D. no. 28062. I.S. no. 17578.)

This action was based on the interstate shipment of a quantity of cottonseed cake, samples of which were found to contain less than 43 percent of protein, the amount declared on the label.

On May 23, 1932, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the El Paso Refining Co., Inc., El Paso, Tex., charging shipment by said company in violation of the Food and Drugs Act, on or about April 9, 1931, from the State of Texas into the State of New Mexico, of a quantity of cottonseed cake that was misbranded. The article was labeled in part: (Tag) "43% Protein Cottonseed Cake * * * Manufactured by El Paso Refining Company, El Paso, Texas Guaranteed Analysis; Crude Protein not less than 43.00 Per Cent."

It was alleged in the information that the article was misbranded in that the statement, "43% Protein * * * Guaranteed Analysis: Crude Protein not less than 43 Per Cent", were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained much less than 43 percent of protein, namely, not more than 34.96 percent of protein.

On October 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20279. Misbranding of canned shrimp. U.S. v. 45 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 28024. I.S. no. 43333. S. no. 6082.)

This action was based on the interstate shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On April 18, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 cases of canned shrimp, remaining in the original and unbroken cases at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about January 22, 1932, by the United Rice Milling Products Co., from New Orleans, La., to Youngstown, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Orleans Brand Shrimp Packed by United Packing Co., New Orleans, La."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On October 12, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*